

### **REMARKS**

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested. Claims 1, 13-14 and 21 are amended herewith without prejudice or disclaimer.

#### **Rejection of Claim 14 Under 35 U.S.C. §112**

The Office Action rejects claim 14 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants have amended claim 14 to replace the “mobile device” with a “user”.

Applicants note that the specification discusses the radio frequency of identification tag and smart microphones in the environment. The specification in paragraph [0040] discusses how the ASR system may be able to apply appropriate background noise models and speaker and transducer noise modes to each microphone even if the same speakers select different microphones or walk between different microphones. Clearly, this discussion contemplates a device (microphone) that includes a radio frequency identity tag. Microphones are of course known to be mobile as well. Therefore, Applicants reserve the right to argue in a continuation or divisional application what the scope of the specification supports, but for the present application, Applicants have made the appropriate amendment to render this claim in compliance with 35 U.S.C. §112.

#### **Rejection of Claims 1-4, 8-9, 13, 15, 18-19, 21-23 and 27-29 Under 35 U.S.C. §103(a)**

The Office Action rejects claims 1-4, 8-9, 13, 15, 18-19, 21-23 and 27-29 under 35 U.S.C. §103(a) as being unpatentable over Komori et al. (U.S. Patent No. 7,050,974) (“Komori et al.”) in view of Besling et al. (U.S. Patent No. 6,363,348) (“Besling et al.”). Applicants note that the Office Action at the bottom of page 2 discusses that the concept of the probability of a user being in a particular acoustic environment based a time of day does not appear to be taught

in the prior art of record. Applicants reserve the right to argue against the combination of references cited, but for the purpose of moving prosecution forward, Applicants have amended claim 1 to recite a probability of the user being in a particular acoustic environment and based on time. Therefore, Applicants respectfully submit that independent claims 1, 13 and 21 are patentable and in condition for allowance as well as the claims dependent therefrom.

**Rejection of Claims 5, 6 and 25 Under 35 U.S.C. §103(a)**

The Office Action rejects claims 5, 6 and 25 under 35 U.S.C. §103(a) as being unpatentable over Komori et al. in view of Rahim (U.S. Patent No. 5,960,397) ("Rahim") in view of Besling et al. and further in view of Kanevsky et al. (U.S. Patent No. 6,442,519) ("Kanevsky et al."). Applicants do not acquiesce that it would be obvious for one of skill in the art to combine Komori et al. with Rahim, Besling et al. and Kanevsky et al., however, as noted above, inasmuch as the parent claims recite patentable subject matter as noted in the Office Action, Applicants submit that these claims are patentable and in condition for allowance as well.

**Rejection of Claims 7 and 26 Under 35 U.S.C. §103(a)**

The Office Action rejects claims 7 and 26 under 35 U.S.C. §103(a) as being unpatentable over Komori et al. in view of Rahim in view of Besling et al. and further in view of Hunt et al. (U.S. Patent No. 6,094,476) ("Hunt et al."). Applicants have amended the parent claims as noted above. Therefore, Applicants submit that these claims are patentable and in condition for allowance.

**Rejection of Claims 10, 17 and 30-31 Under 35 U.S.C. §103(a)**

The Office Action rejects claims 10, 17 and 30-31 under 35 U.S.C. §103(a) as being unpatentable over Komori et al. in view of Rahim in view of Besling et al. and further in view of Heck et al. (U.S. Patent No. 5,950,157) ("Heck et al."). Applicants have amended the parent

claims to these claims as set forth above. Therefore, Applicants submit that these claims are patentable and in condition for allowance.

**Rejection of Claims 11-12, 20 and 32 Under 35 U.S.C. §103(a)**

The Office Action rejects claims 11-12, 20 and 32 under 35 U.S.C. §103(a) as being unpatentable over Komori et al. in view of Rahim in view of Besling et al. and further in view of Cilurzo et al. (U.S. Patent No. 6,434,526) ("Cilurzo et al."). Applicants have amended the parent claims to these claims and respectfully submit that the claims are patentable and in condition for allowance.

**Rejection of Claim 14 Under 35 U.S.C. §103(a)**

The Office Action rejects claim 14 under 35 U.S.C. §103(a) as being unpatentable over Komori et al. in view of Rahim in view of Besling et al. and further in view of Hoffberg et al. (U.S. Patent No. 5,875,108) ("Hoffberg et al."). Applicants have amended the parent claims to these claims and respectfully submit that the claims are patentable and in condition for allowance.

**Rejection of Claim 16 Under 35 U.S.C. §103(a)**

The Office Action rejects claim 16 under 35 U.S.C. §103(a) as being unpatentable over Komori et al. in view of Rahim in view of Besling et al. and further in view of Byers (U.S. Patent No. 6,219,645) ("Byers"). Applicants have amended the parent claims to these claims and respectfully submit that the claims are patentable and in condition for allowance.

**Rejection of Claim 24 Under 35 U.S.C. §103(a)**

The Office Action rejects claim 24 under 35 U.S.C. §103(a) as being unpatentable over Komori et al. in view of Rahim in view of Besling et al. and further in view of Sonmez et al. (U.S. Patent No. 5,745,872) ("Sonmez et al."). Applicants have amended the parent claims to

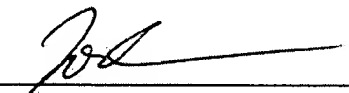
these claims and respectfully submit that the claims are patentable and in condition for allowance.

Applicants do not acquiesce to any of the combinations of prior art references as set forth in the Office Action, but reserve the right to argue that any of the combinations of prior art references is not obvious or suggested to one of skill in the art or that they do not teach a particular claim limitation.

**CONCLUSION**

Having addressed all rejections and objections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited. If necessary, the Commissioner for Patents is authorized to charge or credit the **Novak, Druce & Quigg, LLP, Account No. 14-1437** for any deficiency or overpayment.

Respectfully submitted,

By: 

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